

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
MUNICIPAL DEPARTMENT, FIRST DISTRICT

CITY OF CHICAGO, a municipal corporation,	)	
	)	
	)	
Plaintiff,	)	Case No.
	)	Amount Claimed: \$ 8000.00 per day
v.	)	
MIDWEST FUNDING LLC;	)	Address:
HOME FEDERAL SAVINGS BANK;	)	219 N. Justine St., Chicago, Illinois
TENANTS & OCCUPANTS;	)	
UNKNOWN OWNERS AND NON-RECORD CLAIMANTS;	)	Courtroom: 1105
	)	
	)	
Defendant(s).	)	Richard J. Daley Center

**COMPLAINT FOR EQUITABLE AND OTHER RELIEF**

Plaintiff, the City of Chicago, a municipal corporation, ("City"), by and through its attorney Edward Siskel, Corporation Counsel, by the undersigned Assistant(s) Corporation Counsel, complains of the Defendants as follows:

**COUNT ONE**

1. The City brings this action pursuant to its police power as a home rule unit under Article VII of the Illinois Constitution, which includes "the power to regulate for the protection of the public health, safety, morals and welfare." Ill. Const. art. VII, par. 6(a). As a further grant of authority, the City brings this action pursuant to the Unsafe Property Statute, 65 ILCS 5/11-31-1(a) et seq. (2004), as amended, the Injunction Statute for Building and Zoning Violations, 65 ILCS 5/11-13-15 (2012), the Illinois Municipal Code, 65 ILCS 5/11-31-2 (2004), and Chicago Municipal Code ("Code"). By bringing this action, the City seeks to abate the dangerous and unsafe conditions at the property in question and obtain equitable relief, civil penalties, attorney's fees and costs.
2. Located within the corporate limits of Chicago is a parcel of real estate commonly known as 219 N. Justine St. and legally described as follows:

PIN: 17-08-316-004-0000

Legal Description:

LOT 7 (EXCEPT THE NORTH 8 ½ FEET THEREOF) AND LOT 8 IN BLOCK 11  
IN UNION PARK SECOND ADDITION TO CHICAGO IN THE SOUTHWEST ¼

OF SECTION 8, TOWNSHIP 39, NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

And that located thereon is a 2 story brick building zoned as a planned manufacturing district- PMD #4 which may not be used as a residential property. ("Property").

3. At all times relevant hereto and upon information and belief the following named defendants owned maintained, operated, collected rents for, and/or had an interest in said Property on the date(s) herein set forth:
  - a. MIDWEST FUNDING LLC – OWNER, LAST TAX PAYER OF RECORD;
  - b. HOME FEDERAL SAVINGS BANK – MORTGAGE HOLDER;
  - c. TENANTS & OCCUPANTS – LEASEHOLD INTEREST IN CONTROL OF PROPERTY
  - d. UNKNOWN OWNERS AND NON-RECORD CLAIMANTS;
4. All buildings in the City of Chicago must meet the minimum requirements for electrical, plumbing, heating and ventilation and general building requirements: Municipal Code of Chicago, § 13-196-010 (2008), ("Every existing building shall comply with the code requirements in force and applicable to such building...").
5. An owner of, or any person in management or control of, any building or premises that is found to be in violation of the provision of this code shall be liable for any violation therein, existing or occurring. Municipal Code of Chicago, §13-12-020 (2008).
6. On January 9, 2019, and on each succeeding day thereafter until the date this complaint was filed, and on numerous other occasions, the defendant(s) failed to comply with the Municipal Code of the City of Chicago ("code") as follows:

CN190019

- (1) Arrange for inspection of premises pursuant to §13-12-100 of the Code;

CN138106

- (2) Remove and stop nuisance, *specifically, this property is zoned as a Planned Manufacturing District -PMD-4, and may not be used as a dwelling unit, adult use, or as an artist work space, upon information and belief it is being used as a residence and artist workspace – specifically as a recording studio in violation of the zoning law pursuant to §7-28-060 and 17-6-0403-F of the Code;*

NC2011

- (3) Performed or allowed work to be performed without submitting plans prepared, signed and sealed by a licensed architect or registered structural engineer for approval and without obtaining a permit to perform the work,

*specifically, upon information and belief the interior of the property was built out as a recording studio and kitchen area constructed without proper PLANS & PERMITS in violation of §§13-32-010, 13-32-040, 13-40-020, 13-12-050 of the Code;*

NC2071

- (4) Remove work performed without permit and restore building or site to original construction, *specifically, after reviewing its records the Department of Buildings does not have a record of a permit for a build out of a recording studio and PLANS & PERMITS must be pulled* pursuant to §§13-32-130, 13-32-290 of the Code;
- (5)
7. Section 13-12-040 of the Chicago Municipal Code provides that any violation of the Building Code shall be punished with a fine of not more than \$1000.00 per violation, and not less than \$500.00 per violation.
  8. Section 13-12-040 of the Chicago Municipal Code further provides that *each day* any such violation exists constitutes a *separate offense*.

**WHEREFORE**, the Plaintiff, City of Chicago, respectfully requests that this Honorable Court:

- a. Find Defendant(s) who possess or control the premises(s) guilty of the violations described herein, as to each day the aforementioned violations have existed at the premises; and
- b. Impose a fine against each of the Defendants who possess or control the premises, for each day said violations have existed at the premises, within the legislatively established range of \$500.00 to \$1000.00 per day of existence of said violation(s); and
- c. Grant any other relief that this Court deems appropriate.

**COUNT TWO**

9. The City re-alleges paragraphs 1-8 of Count I and reincorporates those allegations herein as paragraph 9 of Count II and further alleges:
10. That the levying of a fine is an inadequate remedy to secure the abatement of the aforestated municipal code violations and the public nuisance which they constitute, and that it is necessary for a full interior inspection of the property to take place to determine its use and safety for occupancy; that a temporary and permanent injunction issue, and if necessary, that a receiver be appointed, to bring the Subject Property into compliance with the Municipal Code of Chicago.

11. The Subject Property fails to meet the minimum requirements of the Municipal Code of Chicago as described in the preceding paragraphs.

12. The Injunction Statute for Building and Zoning Violations provides, in pertinent part, that:

If the appropriate official of any municipality determines, upon due investigation, that any building or structure therein fails to conform to the minimum standards of health and safety as set forth in the applicable ordinances of such municipality, and the owner or owners of such building or structure fails, after due notice, to cause such property so to conform, the municipality may make application to the circuit court for an injunction requiring compliance with such ordinances or for such other order as the court may deem necessary or appropriate to secure such compliance.

13. See 65 ILCS 5/11-31-2(a) (2004); see also Municipal Code of Chicago § 13-12-070 (2000) (City may obtain an injunction requiring compliance with the provisions of the Building Code).

14. The Illinois Municipal Code provides, in pertinent part, that:

In case any building or structure, including fixtures, is constructed . . . or maintained, or any building or structure, including fixtures, or land, is used in violation of an ordinance or ordinances . . . the proper local authorities of the municipality . . . in addition to other remedies, may institute any appropriate action or proceeding . . . (4) to restrain, correct or abate the violation.

See 65 ILCS 5/11-13-15 (2012).

15. Preliminary and permanent injunctive relief is necessary to end the conduct of those defendants who own, control or otherwise manage the subject property in violation of the requirements of the Municipal Code of Chicago.

16. Moreover, the failure of the Defendants who own, control or otherwise manage the subject property to maintain the subject property according to the minimum requirements of the Municipal Code of Chicago constitutes an ongoing injury to the public health, safety and welfare, for which there is no adequate remedy at law. See Municipal Code of Chicago §13-12-010 (2000) ("In interpreting and applying said provisions of this code, such provisions shall in every instance be held to be the minimum requirements adopted for the protection and promotion of the public health, safety and welfare."). The prosecution and fining alone of these Defendants will not promptly abate the nuisance.

17. Where a statute or ordinance authorizes injunctive relief, a municipality need only show that the statute or ordinance was violated to obtain injunctive relief.

WHEREFORE, the City requests that this court:

- A. Authorize the Department of Buildings to conduct a full interior inspection of the property to determine its current use, compliance with the code, and ensure the safety of occupants and first responders;
- B. Enter a temporary and permanent injunction requiring the Defendants to correct the violations alleged in the complaint and to restrain future violations permanently, pursuant to 65 ILCS 5/11-31-1 (a), 5/11-31-2 and 5/11-13-15;
- C. Appoint a receiver, if necessary, to correct the conditions alleged in the Complaint with the full powers of receivership including the right to issue and sell receivers certificates in accordance with Section 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended;
- D. Enter an order authorizing the City to demolish, repair, enclose or clean up said premises, if necessary, and a judgment against the defendant unit owners and a lien on the subject property for these costs in accordance with Section 5/11-31-1 (a) of Chapter 65 of the Illinois Compiled Statutes, as amended;
- E. If appropriate and under proper petition, enter an order declaring the property abandoned under Section 5/11-31-1 (d) of Chapter 65 of the Illinois Compiled Statutes, as amended, and for an order granting City of Chicago a judicial deed to the property if declared abandoned;
- F. If a statutory lien is obtained in this proceeding under Section 5/11-31-1 or 5/11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended, enter an order permitting foreclosure of said lien in this proceeding;
- G. For reasonable attorney fees and litigation and court costs; and
- H. Grant any other relief that this Court deems appropriate.

CITY OF CHICAGO, a municipal corporation  
Edward Siskel, Corporation Counsel

By: \_\_\_\_\_

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Senior Counsel

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